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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **MATSUKI, Keisuke**

Group Art Unit: **3725**

Serial No.: **10/614,237**

Examiner: **Edward Thomas TOLAN**

Filed: **July 8, 2003**

P.T.O. Confirmation No.: **6166**

For: **HIGH-STRENGTH STAINLESS STEEL BOLT AND METHOD OF
MANUFACTURING THE SAME**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED SEPTEMBER 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 27, 2004

Sir:

This paper is submitted in response to the Official Action dated September 13, 2004.

In the Action, restriction is required between Group (I), claims 1 and 2; and Group (II), claim 3.

Applicant hereby provisionally elects, with traverse, the subject matter of Group (I), claims 1 and 2, drawn to a method of manufacturing a bolt, for prosecution in this application.

This provisional election is made with traverse in that the invention set forth in claims 1 and 2 is not distinct from the invention set forth in claim 3 (as amended)¹, amended claim 3 now being a product-by-process claim and including the method steps set forth in claim 1.

Also, the method or process set forth in claims 1 and 2 is used to make the claimed high-strength stainless steel bolt as set forth in amended claim 3, while the claimed high-strength stainless steel bolt set forth in amended claim 3 is made by the method or process set forth in claim 1. As such, the claimed inventions recited in claims 1 (and 2) and 3 (as amended) are not distinct.

In the event the Examiner does not withdraw the outstanding Restriction Requirement, it is understood that the applicant's rights to the filing of a Divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

¹See, the Preliminary Amendment, amending claim 3, filed herewith.

In the event any additional fees are required in connection with this response, please
charge our Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosed: Preliminary Amendment